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**IN THE HIGH COURT OF JUDICATURE OF BOMBAY**  
**BENCH AT AURANGABAD**

**MISCELLANEOUS CIVIL APPLICATION NO.35 OF 2015**

Ashwini w/o Vivek Gaike  
Age - 25 years, Occ - Nil  
R/o Balika Ashram Road,  
Near Gite Hospital,  
Taluka and District - Ahmednagar

APPLICANT

VERSUS

Vivek s/o Shankar Gaike  
Age - 30 years, Occ -  
R/o Mehrunisha Motorwala Chawl,  
School Road, Khot, Dongri,  
Opp Raheja Tipco Height,  
Rani Sati Marg, Malad (East)  
Mumbai - 97

RESPONDENT

.....  
Mr. L. S. Shaikh h/f Mr. D. R. Jayabhar, Advocate for applicant  
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**[CORAM : SUNIL P. DESHMUKH, J.]**

**DATE : 25<sup>th</sup> JANUARY, 2016**

**ORAL JUDGMENT :**

1. In spite of service, none appears for the respondent. The matter had been on board on quite a few occasions in order to let opportunity to the respondent.
2. Rule. Rule made returnable forthwith and heard finally with consent of learned advocate for the applicant.
3. This miscellaneous civil application has been filed by the

applicant - wife seeking transfer of proceedings bearing Hindu Marriage Petition No.2982 of 2014 pending before Family Court at Bombay to family court at Ahmednagar.

4. It has been contended that she does not have any source of income and further that the distance between Mumbai and Ahmednagar is too cumbersome. There are allegations of assault and mental harassment letting her getting into depression. It has been contended by the applicant that she apprehends assault at the hands of respondent - husband and his relatives while attending court proceedings at Mumbai. Her father is not in economically sound position to help her to undertake the journeys required to attend court proceedings at Mumbai.

5. Since all aforesaid contentions of the applicant go uncontroverted, I deem it expedient that the miscellaneous civil application be allowed.

6. Miscellaneous civil application as such stands allowed. Rule is made absolute in terms of prayer clause "B".

**[SUNIL P. DESHMUKH, J.]**